THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24118 OF 2005

DATED 08th SEPTEMBER, 2006

BETWEEN

Dr Madupu Malla Reddy and another

… Petitioners

and

The Joint Sub Registrar-I, Karimnagar Town & District
And another.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24118 OF 2005

ORDER:

The writ petition is filed assailing the proceedings, dated 21.10.2005 of the second respondent under Section 47-A of the Indian Stamp Act, 1899 (the Stamp Act, for brevity). On a reference made by the first respondent under Section 47-A(1) of the Stamp Act, the second respondent estimated the value of the property, the subject matter of three documents, at Rs.15,69,200/- and ordered the petitioners to pay the deficit amount towards Stamp duty and registration charges in a sum of Rs.1,33,680/-.

Learned counsel for the petitioner contends that reference made by the first respondent itself is illegal, that the exercise of power under Section 47-A of the Stamp Act after lapse of about 6½ years is unreasonable and arbitrary, and that the alternative remedy of Appeal to the Court of the Senior Civil Judge, Karimnagar, under sub-section (4) of Section 47-A of the Stamp Act is not a bar for filing the writ petition. Learned counsel placed strong reliance on the decisions **Kasarla Narayana Reddy v District Revenue Officer**[1], **M.V.Ramana v Collector & District Registrar**[2].

There cannot be any denial that a reference can be made by the registering authority to the Collector (District Registrar) if such registering authority has reason to believe that the market value of the property, which is subject matter of the instrument, has not been truly setforth in the instrument. That being the case, when the District Registrar on the material available determines the market value, ordinarily, such issue is not justiciable. That is the reason why the statute provides for an effective alternative remedy to a Court, where all questions can be sorted out. It would be altogether different matter if the writ petition is filed invoking the certiorari jurisdiction of this Court against appellate order on the question of decision making process. There is no denial that an appeal would lie under Section 47-A(4) of the Stamp Act. Indeed, the decision in **Kasarla Narayana Reddy v District Revenue Officer** (supra), which deals with the question of time within which the jurisdiction

under Section 47-A(1) of the Stamp Act can be exercised, arising out of an appellate order passed by the Court of Senior Civil Judge, Therefore, without expressing any opinion on the merits of the case, liberty is given to the petitioners to prefer an Appeal before the Court of Senior Civil Judge having jurisdiction to entertain an Appeal under Sections 47-A(4) and (5) of the Stamp Act within a period of ten (10) days from the date of receipt of copy of this order. As and when such Appeal is filed, the learned Senior Civil Judge may entertain the Appeal and pass appropriate orders considering all the questions raised by the petitioners hereinabove in accordance with law.

The writ petition is accordingly disposed of. No costs.

(V.V.S.RAO,J)

08.09.2006.
pln

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[1] 1998 (2) ALT 641

[2] 1998 (4) ALT 626